

REMARKS

INTRODUCTION

In accordance with the foregoing, claims 1 and 4 have been amended. Claims 2 and 3 have been cancelled. Claims 1 and 4-6 are pending and under consideration.

CLAIM REJECTIONS – 35 USC 103

Claims 1-6 were rejected under 35 U.S.C. § 103(a) as being patentable over Yan (US 6,131,202) (hereinafter “Yan”) in view of Hotta et al. (US 6,705,353) (hereinafter “Hotta”).

Yan teaches a cap 2 having a plurality of gores 4, 6, 8, 10, 12 and 14, a head liner 24 and a bill 16. Yan, 2:15-2:39. The gores of the cap 2 are constructed of cotton woven with spandex. Yan, 3:56-3:58. The head liner 24 is made of a foam polymer having an open air cell porosity. Yan, 4:26-4:39.

Hotta teaches a woven stretch fabric prepared from a false twisted yarn of a multifilamentary yarn. Hotta, 2:42-2:46. In Hotta, the process for producing the stretchable woven fabric comprises the steps of: twisting a poly(trimethylene terephthalate) multifilamentary yarn prior to or subsequently to false twisting with a twist factor of from 2,700 to 13,000 in the direction reverse to the false twisting direction, whereby a textured yarn is obtained; weaving the textured yarn used as a warp yarn and/or a weft yarn; and subjecting the resultant woven fabric to alkali reduction. Hotta, 3:7-3:13.

Amended claim 1 recites the sweatband comprising textured yarns and a cover enclosing the sweatband made of a woven or knitted fabric which comprises textured yarns. Support for this amendment may be found in at least original claims 2 and 3. In contrast to amended claim 1, Yan teaches a head liner 24 made of foam polymer and Hotta discloses a fabric made using false twisted yarn of a PTT multifilamentary yarn in order to provide excellent surface flatness. Neither Hotta nor Yan, taken alone or in combination, teach a sweatband comprising textured yarns and a cover enclosing the sweatband made of a woven or knitted fabric comprising textured yarns.

Claims 2 and 3 have been cancelled. Claims 4-6 depend on claim 1, and are therefore patentably distinguish over Yan and Hotta at least due to their dependency from claim 1.

Withdrawal of the foregoing rejection is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: Gregory W. Harper
Gregory W. Harper
Registration No. 55,248

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501